UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,015	09/05/2003	Dianne Smith Phillips	G&C 30566.254-US-U1	8148

55895   7590   05/14/2008
GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/656,015
Filing Date: September 05, 2003
Appellant(s): PHILLIPS ET AL.

Jason S. Feldmar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/03/2008 appealing from the Office action

mailed 08/09/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

A.   Clevenger et al., Bryce 5 User Manual (7/10/2001);

(http://www.daz3d.com/program/Bryce5_Manual_DAZ.pdf); pp.3,4,111-126, 230-239

B.   Parametric Technology Corporation, Pro/Engineer (2001) User Manual

(http://www.ptc.comlcompanylmaillexpress2OO2021download_guide.htm), pp.1-4 - 2-

12,5-12 - 5-21.

C.   SkySof Software, CAD.OCX version 1 - Program Description, 10/18/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Clevenger et al.

(http://www.daz3d.com/program/bryce/Bryce5_Manual_DAZ.pdf) in view of Parametric

Technology Corporation et al. (PTC herein).

(http:llwww.ptc.comlcompanylmaillexpress2OO2021download_guide.htm).

   As to independent claim 1, 8 and 15, Clevenger teaches a method and

corresponding apparatus and article for displaying a graphical illustration of an object in

a computer graphics program (PDF page 129, column 1, paragraph 5), comprising

elements, steps and means for: a computer having a memory (PDF pg. 12, co1.1 and

PDF pg. 126, par. 5); an application executing on the computer, wherein the application

is configured to obtaining an object in a computer graphics program (PDF pg. 129, col.

1, par. 6); displaying a properties palette for the object (PDF pg. 130, Figure 1, col. 1),

wherein the properties palette comprises one or more object properties having

corresponding property values (PDF pg. 131, col. 1, par. last and col. 2 par. 1-2);

displaying a graphical illustration of the object in the properties palette (PDF pg. 130,

Figure 1).

Clevenger teaches the use of keynotes of object properties within the same window/

palette (pages 230-238). Clevenger does not specifically mention the use of keynotes in

the object palette. However in the same field of endeavor PTC teaches wherein one or

more of the object properties, in the properties palette, are keynoted to refer to

corresponding keynotes displayed in the graphical illustration in the properties palette

(PDF pg. 29, Fig.1 and PDF pg. 172, Fig.1; wherein the user selects an option from the

palette to show a display view of an object with keynotes pointing to different

parameters of the object, to where the keynotes are dictated in an organized manner to

accommodate the user). It would have been obvious to one skilled in the art at the time

of the invention to combine the keynotes of a three dimensional object for use of

pointing out different parameters of a three dimensional object into the editing palette of

a three dimensional object that has parameters associated by values as defined by a

user of Clevenger. The motivation to combine being that of PTC is a program designed

to accommodate a user in the design process of three dimensional modeling (PDF

pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also

accommodates a user in the design process of three dimensional modeling. Of course,

those skilled in the art will appreciate that the function and idea of providing a graphical

indication of what the user is currently selecting is very well known and no longer novel.

Note: *Clevenger teaches a means of keynoting, wherein a graphical indication is*

displayed to the user of controls and effected areas of the controls therein of a three-

dimensional object (see pages 230-238). The object being displayed in the window also

can be construed as being a palette as seen on page 8 of Clevenger, wherein is

depicted editable controls with a display of a three dimensional object.

As to dependent claims 3, 10 and 17, note the discussion of Clevenger and

Clevenger in view of PTC above. Clevenger does not specifically mention highlighting.

However in the same field of endeavor PTC teaches highlighting the keynote displayed

in the graphical illustration when the cursor is passes over the corresponding object

property (PDF pg. 34, par. 1). It would have been obvious to one skilled in the art at the

time of the invention to combine the keynotes of a three dimensional object for use of

pointing out different parameters of a three dimensional object into the editing palette of

a three dimensional object that has parameters associated by values as defined by a

user of Clevenger. The motivation to combine being that of PTC is a program designed

to accommodate a user in the design process of three dimensional modeling (PDF

pg.20, par.3, line 1) which is in the same field of endeavor of Clevenger which also

accommodates a user in the design process of three dimensional modeling.

As to dependent claims 4,11 and 18, note the discussions of Clevenger and PTC

above. Clevenger does not specifically mention highlighting. However in the same field

of endeavor PTC teaches highlighting one or more keynoted object properties when the

cursor is passed over the corresponding keynote or property displayed in the graphical

illustration (PDF pg. 26, par. 1 and PDF pg. 153, par. last). It would have been obvious

to one skilled in the art at the time of the invention to combine the keynotes of a three

dimensional object for use of pointing out different parameters of a three dimensional

object into the editing palette of a three dimensional object that has parameters

associated by values as defined by a user of Clevenger. The motivation to combine

being that of PTC is a program designed to accommodate a user in the design process

of three dimensional modeling (PDF pg.20, par.3, line 1) which is in the same field of

endeavor of Clevenger which also accommodates a user in the design process of three

dimensional modeling.

  As to dependent claims 5, 12 and 19, note the discussion of Clevenger and PTC

above. Clevenger does not specifically mention the ability to toggle visibility of the

graphical object using a button. However in the same field of endeavor PTC teaches

toggling the visibility of the illustration using a show/hide illustration button (PDF pg.

145, par 3, Num 2 and PDF pg. 148, par 2, Num. 1). It would have been obvious to one

of ordinary skill in the art at the time of the invention to have combine PTC's

embodiment of hiding and un-hiding a graphical objects into Clevenger's graphical

editing program as modified by PTC. PTC teaches selections on the object illustration

are easier to make (PDF pg. 144, par. 2).

  As to dependent claims 6,13 and 20, Clevenger teaches the method and

corresponding apparatus and article of claims 1,8 and 15 (note analysis above), further

comprising changing the view of the object displayed in the graphical illustration using a

shortcut menu (PDF pg. 130, col. 2, par. 2 and PDF pg. 131, col. 1, par. 3).

4. *Claims 7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable*

over Clevenger et al. in view of SkySof Software (CAD.OCX 1 ;

http ://www.d own load .co m/CAD-O CX/3000-6677_4-1400022. html?tag=lst-2-1)

    As to dependent claim 7,14 and 21, note the discussion of Clevenger. Clevenger

teaches a graphic editing program, where the user is presented with an illustration of a

graphical object to which the user can modify freely. Clevenger does not specifically

mention the graphic illustration is being presented with an ActiveX

component/control/application when the user is editing the object within the edit palette.

However for the same problem sought to be solved SkySof teaches wherein the

graphical illustration is enabled by an ActiveX application (par.l, software description). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the ActiveX control to draw/render 3D objects into the graphic editing program

of Clevenger. A control for handling user request in AutoCAD (a three dimensional

modeling application) (par. 1)

(10) Response to Argument

    Beginning on page 7 of Appellant's brief (hereinafter Brief), Appellant argues

specific issues, which are accordingly addressed below.

    A1.   Applicant argues the combination of Clevenger in view of PTC does not

arrive at the immediate application (pages 7-13 of Brief).

    R1.   Examiner does not agree. Clevenger teaches a three dimensional object

being displayed on an object properties palette, wherein the current object being

displayed has editing controls adjacent to the three dimensional object (pg. 121) which

is separate from the main view of the application (pg.8). Clevenger also teaches a

means of keynoting an objects properties, wherein a graphical indications are displayed

to the user to indicate tools and effected elements/ properties of the three dimensional

scene being created by the user (see page 230, column 2; as described by the

Applicant Keynoting is a way of indicating to the user where actions are going to be

taken place, in such controls being displayed next to the 3D object as shown on page

230 of Clevenger shows icons that when acted upon effect the presentation of the 3D

object. Examiner notes that the term "keynote" is not a commonly known term in the art

of graphical user interfaces, the term keynote as known in the art is the principal of

underlying theme of a larger idea in literature, music or public speaking) wherein

described "...The Object Attribute icons that appear next to an object's bounding box let

you access different editors and set object attributes..." Clevenger clearly gives all the

means necessary to provide object parameter keynotes with graphical indications to a

three dimensional object. As for the teachings of PTC, it was to be understood that the

combination of PTC into Clevenger was made for more supporting evidence that it

would be obvious to one of ordinary skill in the art to use a better graphical indication

was depicted (layout) (PDF pg. 172). As taught by PTC are a bill of materials (or BOM)

which is a list of components that make up an article (a listing of parts) which depicted

on (PDF pg.172) is the graphical indication of using keynotes relating to the

components that make up an article. This is believed to be the same functionality of a

graphical object (as depicted on PDF pg.172; graphical object of an article) components

are keynoted to provide to the user the indication of where components on an article are

located. The combination of PTC into Clevenger would allow for one skilled in the art to

see that the elements being keynoted as referenced from a list (PTC) on the same

palette window (Clevenger). Therefore one of ordinary skilled in the art at the time of the

invention was made would be able to see that combination of PTC into Clevenger

teaches the use of keynotes in a property palette and keynoting properties that are

displayed in a properties palette. Such that Clevenger teaches a properties palette with

a 3D object displayed in the properties palette with a 'list' of associated properties

(components which make up the object; branch/trunk, tree, foliage, etc) that when

interacted with by the user causes the 3D object to change in display and PTC teaches

a 'list' of components (parts of a 3D object which is related to the parts of the 3D object

of Clevenger which can be changed by user interaction) that are keynoted with a 'list' of

components to provide to the user an easy indication of where the components are

located on a 3D object . In short Clevenger provide both a 3D object in a palette having

various paramaters associated with the object and an alterative display of having

parameters located with the 3D object located adjacent to the right of the 3D object.

PTC provides a list of materials which is like the list of parameters of Clevenger, this list

has keynotes known as balloons that are placed around the 3D object to denote exact

relation to the item of the list referenced, thus the combination of the two yields the a 3D

object in a palette associated with a list and keynotes associated with the list that are

displayed around the object conveniently to depict various items on the list. It would

have been obvious to one of ordinary skill in the art to combine PTC into Clevenger

because both PTC and Clevenger provide systems for managing/editing 3D objects, the

feature to be added from PTC (layout of keynotes in a more pleasurable manner to the viewer) would have been an obvious variant one of ordinary skill would have easily conceived of doing because the two systems are related in the same field.

A2.   Applicant argues dependent claims 3,10 and 17 on page 14 of Brief.

R2.   The combination of PTC into Clevenger yields that the BOM balloons represent parameters as described in Clevenger, thus highlighting from Clevenger as explained above is reflected to the BOM balloons.

A3.   Applicant argues dependent claims 4, 11 and 18 on page 15 of Brief.

R3.   The cursor over an object is not time specific by the claim, in such that PTC teaches that the user has to hover the mouse over the area of interest and click to highlight, the claim does not state when the highlight is taken place, weather is be automatic or after user interaction.

A4.   Applicant argues dependent claims 5, 12 and 19 on page 16 of Brief. "Shortcut menu option is not equivalent to... a button".

R4.   Examiner does not agree, a menu option in a menu graphical user interface element is a selectable area to activating a control, which is related to a button on a graphical user interface, in such that the same functionality exist between the two, a menu option from a menu is selected to execute a function or a button is selected to

execute a function, the layout of the button to be specific is not claimed where it is

visually stored and depicted in the final rendering of the graphical user interface.

A5.   Applicant argues dependent claims 7, 14 and 21 on page 16 of Brief.

R5.   CAD.OCX is a ActiveX control that is implemented in a CAD environment,

such as AutoCAD for 3D designing. It would be clear to someone that the 3D object

display is rendered in regards to ActiveX through this program. One of ordinary skill in

the art would recognize that it is possible to render 3D objects in a preview and the like

using ActiveX, CAD.OCX.

A6.   Applicant argues that a proper 892 was not provided to the Applicant on

page 17 of Brief.

R6.   This is not an issue that is to be decided by the Board of Appeals. Also the

Examiner does not agree, as to what can be viewed currently in the Image File Wrapper

of the immediate application is an 892 that has all of the references used in the

rejection filed 07/28/2006.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nicholas Augustine/
Patent Examiner
May 9, 2008

Conferees:

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

Ba Huynh
Primary Patent Examiner
May 9, 2008
/Ba Huynh/
Primary Examiner, Art Unit 2179

Jason S. Feldmar
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(301) 641-8797